WATERS—RIPARIAN RIGHTS—IRRIGATION.—CLEMENTS V. WATKINS LAND CO., 82 S. W. 665 (TEX.).—*Held*, that, as irrigation is not a natural use of water, a riparian proprietor cannot exhaust the supply for such purposes as against irrigation rights of lower proprietors.

This decision is noteworthy in that it practically aligns the State of Texas with the common law rule, and squarely repudiates the doctrine of prior appropriation developed and prevailing in a group of the arid states headed by Colorado. *Oppenlander v. Ditch Co.*, 18 Colo. 142; *Stowell v. Johnson*, 7 Utah 215; *Moyer v. Preston*, 6 Wyo. 308; *Bliss v. Grayson*, 24 Nev. 422. *Farnham on Waters and Water Rights*, sect. 604, says: "The Texas courts have carried the right to use water for irrigation purposes further than it has been carried elsewhere, and further than can be supported either by principle or authority." See also *Rhodes v. Whitehead*, 27 Tex. 304. The present case, while not entirely lacking support in the Texas courts, overrules the established doctrine in that state. *Tolle v. Correth*, 31 Tex. 365, established the doctrine that the rule of reasonable use will permit the exhaustion of the water supply for irrigation as against other artificial uses, when the need of irrigation is great and that of other artificial uses relatively unimportant. The broad position of the court while attacked in *Fleming v. Davis*, 37 Tex. 173, and criticised in *Mill Co. v. Ferris*, 2 Sawy. (U. S.) 176, was followed in the later decisions, the doctrine being limited, however, so that the right to irrigate would be subordinate to the right of a lower proprietor to be supplied for domestic purposes. *Baker v. Brown*, 55 Tex. 377; *Irrigation Co. v. Vivian*, 74 Tex. 170; *Barrett v. Metcalf*, 12 Tex. Civ. App. 247.